

PATENT
Customer No. 22,852
Attorney Docket No. 7040.0121.00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Antonio SERRA et al.)
Application Serial No. 10/082,108) Group Art Unit: 1712
Filed: February 26, 2002) Examiner: Sellers, R.
For: PROCESS FOR PRODUCING)
TYRES, TYRES THUS)
OBTAINED AND)
ELASTOMERIC)
COMPOSITIONS USED)
THEREIN)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Applicants submit this Response to Restriction Requirement ("Response"), together with a Supplemental Preliminary Amendment ("Preliminary Amendment") and a Petition for Extension of Time ("Petition"), in reply to the Office Action mailed November 28, 2003. Because the Petition and associated fee filed with this Response extends the period for reply for two months, the period runs through March 1, 2004 (February 28, 2004, is a Saturday; and February 29, 2004, is a Sunday).

Restriction Requirement

In the Office Action, the Examiner required restriction under 35 U.S.C. § 121 between: Group I, claims 62, 63, and 65-86, characterized by the Examiner as drawn to a process for moulding tyres wherein the crosslinking is carried out by heating the at least one crosslinkable

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elastomeric material to a temperature of at least 120° C for a time of at least 3 minutes; Group II, claims 62 and 64-86, characterized by the Examiner as drawn to a process for moulding tyres wherein the crosslinking is carried out by heating the at least one crosslinkable elastomeric material to a temperature of at least 160° C for a time of at least 10 minutes; Group III, claims 87-97, characterized by the Examiner as drawn to a tyre; Group IV, claims 98-108, characterized by the Examiner as drawn to a tyre comprising a carcass structure, a belt structure extending coaxially around the carcass structure, and a tread band extending coaxially around the belt structure; and Group V, claims 109-132, characterized by the Examiner as drawn to a composition comprising an elastomeric polymer containing carboxylic groups and an epoxidized liquid organic compound.

The Preliminary Amendment cancels, without prejudice or disclaimer, claims 62-86 (Groups I and II) and 109-132 (Group V), and adds new claims 133-160. New claims 133-146 correspond to Group III, and new claims 147-160 correspond to Group IV. Applicants provisionally elect, with traverse, to prosecute Group III, claims 87-97 and 133-146.

Regarding traverse of the restriction requirement, Applicants submit that the search and examination of this entire application, as amended, can be made without serious burden, particularly since both Groups III and IV are characterized by the Examiner as drawn to a tyre and are confined to the identical class (152). Because the search and examination of this entire application can be made without serious burden, MPEP § 803, ¶ 2, requires that the Examiner examine this entire application on the merits.

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Election of Species Requirement

In the Office Action, the Examiner also required an election of species under 35 U.S.C. § 121 between: (a) the elastomeric polymers containing carboxylic groups; (b) the epoxidized liquid organic compounds; and (c) the presence or absence of reinforcing filler.

Regarding the elastomeric polymers containing carboxylic groups, Applicants provisionally elect, with traverse, to prosecute the acrylonitrile/butadiene/carboxylate monomer terpolymer Nipol EP® 1072. At least the following claims read on this provisional election: claims 87-94, 96, and 133-146 (Group III) and claims 98-105, 107, and 147-160 (Group IV).

Regarding the epoxidized liquid organic compounds, Applicants provisionally elect, with traverse, to prosecute the epoxidized soybean oil Paraplex® G-60. At least the following claims read on this provisional election: claims 87-92, 94-97, 133-137, and 141-146 (Group III) and claims 98-103, 105-108, 147-151, and 155-160 (Group IV).

Regarding the presence or absence of reinforcing filler, Applicants provisionally elect, with traverse, to prosecute the presence of reinforcing filler precipitated silica Zeosil® 1165 MP. At least the following claims read on this provisional election: claims 87-97 and 133-146 (Group III) and claims 98-108 and 147-160 (Group IV).

Regarding traverse of the election of species requirement, Applicants submit that claims 87-92, 94, 96, 98-103, 105, 107, 133-137, 141-151, and 155-160 are generic to all of the proposed species as characterized by the Examiner. Thus, if any of these generic claims are found to be allowable, Applicants submit that Applicants are entitled to consideration of all claims dependent from the allowed generic claims and all claims that include all the limitations of any of the allowed generic claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: February 17, 2004

By: _____

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